

FILED
Clerk
District Court

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DEC 21 2005

For The Northern Mariana Islands
 By _____
 (Deputy Clerk)

5 Attorney for Defendant

6 MICRONESIA WOODCRAFT ENT., INC. et al.

7 UNITED STATES DISTRICT COURT

8 FOR THE

9 DISTRICT OF THE NORTHERN MARIANA ISLANDS

10 SAIPAN HANDICRAFT,

11 Plaintiff,

12 v.

13 MICRONESIA WOODCRAFT ENT.,
 14 INC., TIRZO J. ADRIATICO,
 15 individually and as President of
 16 Micronesia Woodcraft Ent., Inc., and
 JOHN DOES 1-40,

17 Defendants.

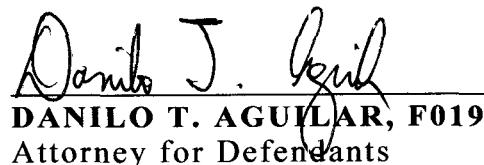
18 CIVIL ACTION NO. 05-0040

**EX PARTE MOTION UNDER
 LOCAL RULE 7.1.h.3(b) TO
 SHORTEN TIME TO HEAR
 DEFENDANT'S MOTION FOR
 ENLARGEMENT OF TIME TO
 FILE ANSWER**

19 COMES NOW, Defendant, by and through counsel Danilo T. Aguilar,
 20 and hereby requests, *ex parte*, for an order shortening time to hear Defendant's
 21 motion for enlargement of time to file answer. Defendant requests to have this
 22 matter heard on or before December 23, 2005. This ex parte motion is brought
 23 pursuant to LR 7.1.h.3(b) and is supported by the attached declaration of counsel.

24 DATED this 26th day of December, 2005.

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DANILO T. AGUILAR, F0198
 Attorney for Defendants

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CERTIFICATE PURSUANT TO FEDERAL RULES OF
CIVIL PROCEDURE 6(b)

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4 A. Addresses and Telephone Numbers of the Parties:
5

6 Plaintiff: F. Matthew Smith, Esq.
7 Second Floor, UIU Building
8 P.O. Box 501127
9 Saipan, M.P. 96950
10 Tel. No.: (670) 234-7455/234-7427

11 Defendant: Danilo T. Aguilar, Esq.
12 First Floor, San Jose Court Building
13 Cor. Ghiyeghi St. & Wischira Way
14 P.O. Box 505301, San Jose
15 Saipan, M.P. 96950
16 Tel. No.: (670) 234-8801

17 B. Facts regarding Application for Ex Parte Motion.

18 Counsel was recently retained by defendants on December 20, 2005 to
19 represent them. An answer is due by December 23, 2005. Counsel would be
20 unable to adequately prepare for filing an answer because Counsel is preparing
21 for a trial on December 27, 2005. It is imperative to have the motion for
22 enlargement of time considered by the Court before the due date and thus
23 requiring the instant *ex parte* motion to shorten time. Otherwise, this motion
24 would be heard after the due date for the answer.

25 C. Notification of Other Party.

26 On or about the afternoon of December 20, 2005, defense counsel
27 telephoned Plaintiff's counsel F. Matthew Smith to request for an extension to
28 file the answer. Mr. Smith granted a 48-hour extension to file the answer, but
 would not agree to an extension beyond the 48-hour period, thus necessitating this
 motion.

Prior to submitting this ex parte motion to the court, I served a filed copy of the motion to shorten time, along with a copy of the motion for enlargement of time to Plaintiff's counsel.

DATED this 21st day of December, 2005.

Danilo T. Aguilar
DANILO T. AGUILAR, F0198
Attorney for Defendants